

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

Applicant/Contact name and address:

Patrick Pump  
Mickey Ward  
648 Miller Creek Road  
Two Dot, MT 59085

1. Type of action: Application to Change Water Right No. 40A-30146764
2. Water source name: Little Elk Creek
3. Location affected by project: Sections 11, 12, & 14 of Township 7N, Range 11E, Meagher County and Section 7 of Township 7N, Range 12E, Wheatland County
4. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
Applicant proposes to add a point of diversion and change the place of use. This application is being submitted in combination with two other change applications to add the same point of diversion and place of use. The changes, if authorized, will allow Applicant to use portions of the water rights involved for irrigation under two center pivots. The unchanged portions of the existing water rights will continue to be used for flood irrigation, as historically operated. The new point of diversion for pivot irrigation is located in the NWSWNW SEC 14 TWP 7N RGE 11E Meagher Co. The place of use is generally located in Sec 1, 11, & 12 IN TWP 7N RGE 11E Meagher Co, Sec 4, 5, 6, & 7 in TWP 7N RGE 12E Wheatland Co, and Sec 32, 33, & 34 in TWP 8N RGE 12E Wheatland Co.
5. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met."
6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

#### **PHYSICAL ENVIRONMENT**

##### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Little Elk Creek has not been identified by the Department of Fish, Wildlife, & Parks (FWP) as chronically or periodically dewatered. This stream is a tributary to the Musselshell River which is identified as Periodically Dewatered. FWP holds an instream flow right on these sections of the Musselshell River for 80 CFS, effective year-round.

*Determination:* No significant impact

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Little Elk Creek is not listed on the 2020 Montana 303(d) list. Little Elk Creek is a tributary of Musselshell River.

*Determination:* No significant impact

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

This is a surface water appropriation.

*Determination:* No significant impact

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

The four water rights have had six points historical points of diversion that have been used since May 18, 1881. The new pump site has been in use for more than 10 years. The Applicant is not increasing the diverted flow from the source with this change application. Authorization of the proposed change will have no impact on stream channels, flow modifications, barriers, riparian areas, dams, or well construction.

*Determination:* No significant impact

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

***Endangered and threatened species*** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

A report received from the Montana Natural Heritage Program indicates there are five species of special concern within the general area of the project. The State ranks the Wolverine, Great Blue Heron, and Golden Eagle as a S3 (limited/declining). The State ranks the Long-billed Curlew as a S3B (limited/declining-breeding).

Grizzly Bears are listed as threatened. Although this species is identified in Wheatland County because one may reasonably expect them to occur there, they are not necessarily found in the area of this project. Additionally, it is unlikely that the proposed action will displace the species.

*Determination:* No significant impact

***Wetlands*** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

The new proposed place of use has a small area Freshwater Emergent Wetland. This portion of the wetlands has already been converted to cropland. There are no endangered or threatened species in this area that rely or depend on these wetlands.

*Determination:* No significant impact

***Ponds*** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

There are no ponds within the proposed place of use.

*Determination:* No significant impact

***GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE*** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

The primary soil type in this project is Shawmut Gravelly loam. This soil is classified as well drained and the salinity is not defined on the USDA web soil survey site. Smaller portions of the fields are on Fairway-Meadowcreek complex. Fairway-Meadowcreek complex is classified as somewhat poorly drained and very slightly to moderately saline (2.0 to 8.0 mmhos/cm).

*Determination:* No significant impact

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

*Determination:* No significant impact

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There are no air quality concerns with this project.

*Determination:* No significant impact

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal*

*NA-project not located on State or Federal Lands.*

*Determination:* No significant impact

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:*

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* NA- Project not located on State or Federal Lands.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impact identified

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* This project will have no impact on human health.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes X No \_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* There are no additional government regulatory impacts on private property rights associated with this application.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- (a) Cultural uniqueness and diversity? No Significant Impact
- (b) Local and state tax base and tax revenues? No Significant Impact
- (c) Existing land uses? No Significant Impact
- (d) Quantity and distribution of employment? No Significant Impact
- (e) Distribution and density of population and housing? No Significant Impact
- (f) Demands for government services? No Significant Impact
- (g) Industrial and commercial activity? No Significant Impact
- (h) Utilities? No Significant Impact
- (i) Transportation? No Significant Impact
- (j) Safety? No Significant Impact
- (k) Other appropriate social and economic circumstances? No Significant Impact

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No impact identified

Cumulative Impacts: No impact identified

**3. *Describe any mitigation/stipulation measures:*** N/A

***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** An alternative analysis of the project identified a no action alternative to the change in place of use. This alternative would not have any direct impacts that are

typically associated with irrigation. The no-action alternative would not allow the Applicant to meet the purpose of and need for the project.

### *PART III. Conclusion*

**1. Preferred Alternative:** Remove the second point of diversion and divert the entire flow from the original diversion.

### **2** *Comments and Responses*

### **3. Finding:**

*Based on the significance criteria evaluated in this EA, is an EIS required?* No

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* No significant impacts have been identified, therefore an EIS is not necessary.

*Name of person(s) responsible for preparation of EA:*

*Name:* Todd Netto

*Title:* Water Resource Specialist

*Date:* April 13, 2021